

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re	:	Chapter 13
	:	
PAUL B. HINES and	:	
NANCY J. HINES	:	Bankruptcy No. 07-15157DWS
	:	
Debtors.	:	

ORDER

AND NOW, this 21st day of September 2007, Debtors having filed a voluntary petition in bankruptcy under chapter 13 on September 10, 2007;

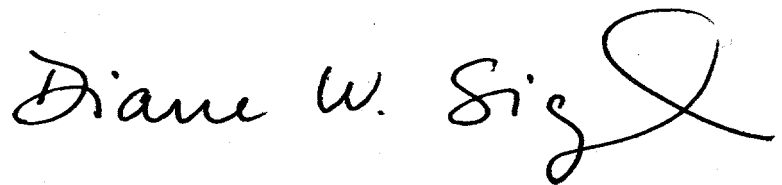
And Debtors having failed to file a certificate evidencing prepetition credit counseling, which is an eligibility requirement for bankruptcy relief pursuant to 11 U.S.C. § 109(h)(1) (“an individual may not be a debtor . . . unless such individual has, during the 180-day period preceding the date of filing of the petition by such individual, received from an approved nonprofit budget and credit counseling agency . . . an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.”). Thus, the credit counseling requirement should be met before the individual files a voluntary bankruptcy petition;

And 11 U.S.C. § 109(h)(3)(A) permitting a debtor to obtain credit counseling after his/her bankruptcy case commenced, but only in very limited circumstances, i.e., a debtor must certify: (1) that he/she sought credit counseling prior to the filing of the petition;

(2) such counseling was not available within five days beginning from the date the debtor made the request; and (3) the debtor needed to file his/her petition for valid, emergency reasons and thus could not wait for such counseling to take place;

And Debtors having failed to file a certification asserting exigent circumstances, but instead filed a Motion to Extend Time to File Certificate of Counseling (the “Motion”) that indicates Debtors have been unable to schedule credit counseling due to their employment commitments, which is not a basis for waiver under § 109(h)(3)(A);¹

It is hereby **ORDERED** that Debtors’ case shall be and hereby is **DISMISSED** for failure to comply with § 109(h). **FURTHER ORDERED** that the Motion is **DENIED** as moot.



DIANE WEISS SIGMUND
Chief U.S. Bankruptcy Judge

¹ Debtors also failed to file with the Petition Exhibit D - Statement of Compliance with Credit Counseling Requirement, under which a debtor must assert one of several options, including: (1) prepetition counseling was obtained and the certificate is attached; (2) prepetition counseling was obtained but debtor has not yet received the certificate, in which case debtor is allowed 15-days from the petition date to file the certificate; or (3) exigent circumstances existed pursuant to 11 U.S.C. § 109(h)(3)(A).